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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 SHARETT ANNETTE YAZZIE,
15 Defendant.

Case No. 2:22-mj-00557-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Fifth Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Keisha K. Matthews, Assistant Federal Public Defender, counsel for Sharett Annette Yazzie,
21 that the bench trial currently scheduled on August 2, 2023, at the hour of 9:00 a.m., be vacated
22 and continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

23 This Stipulation is entered into for the following reasons:

24 1. An evidentiary hearing was set for August 16, 2023. Additional time is needed
25 to allow the Court to issue a final order on the pending motions and for the parties to prepare
26 for trial.

2. The defendant is out of custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the fifth request for a continuance of the bench trial.

DATED this 16th day of June 2023.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Keisha K. Matthews
By _____
KEISHA K. MATTHEWS
Assistant Federal Public Defender

/s/ Imani Dixon
By _____
IMANI DIXON
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHARETT ANNETTE YAZZIE,

Defendant.

Case No. 2:22-mj-00557-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. An evidentiary hearing was set for August 16, 2023. Additional time is needed to allow the Court to issue a final order on the pending motions and for the parties to prepare for trial.

2. The defendant is out of custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
2 account the exercise of due diligence.


3 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
4 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United
5 States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed
8 jury instructions, and a list of the Government's prospective witnesses must be electronically
9 submitted to the Court by **November 8, 2023**.

10 IT IS FURTHER ORDERED that the bench trial currently scheduled on Wednesday,
11 August 2, 2023, at 9:00 a.m., be vacated and continued to **November 15, 2023 at 9:00 a.m.**

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13 DATED this 20th day of June, 2023.

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16 UNITED STATES MAGISTRATE JUDGE
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